IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

J U D G M E N T

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.733/2007.

Badal @ Avinash Vs. State & Ors.

Date of Order:- July 30 2007.

HON'BLE THE ACTING CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr.D.K. Srivastava for the appellant.

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The instant appeal is filed against the order dated April 10 2007 rendered by the learned Single Judge in S.B. Civil Writ Petition No.2559/2007 by which the prayer made by the appellant to quash F.I.R. No.698/06 Police Station Nayapura, Kota is refused.

This Court has heard the learned counsel for the appellant and considered the documents forming part of the original petition.

The record indicates that no charge-sheet could be filed against the appellant as he is absconding. Therefore, the case was kept pending against the appellant under the provisions of Section 173(8) of the Cr.P.C. 1973.

Having regard to the facts of the case and more particularly the nature of offences alleged to have been committed by the appellant, this Court is of the opinion that no case is made out for quashing the F.I.R. the learned counsel for the appellant could not pursue this Court to take a view different than the one taken by the learned Single Judge on appreciation of material produced by the appellant on the record of the writ petition.

The appeal which lacks merits, therefore deserves to be dismissed summarily.

For the foregoing reasons, the appeal fails and is summarily dismissed.

(MOHAMMAD RAFIQ), J. **(J.M. PANCHAL), ACJ.**

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